

Amendments to the Drawings:

The attached replacement drawing sheet makes changes to Fig. 1 and replaces the original sheet with Fig. 1.

Attachment: Replacement Sheet

REMARKS

Claims 3-9 are pending in this application. By this Amendment, Fig. 1 and the specification are amended. In addition, new claim 9 incorporating the subject matter recited in claims 1 and 2 is added, claims 1 and 2 are cancelled, claims 3, 5, 6 are amended to depend from claim 9, and claim 7 is amended for form. No new matter is added. Applicants respectfully request reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

I. Objection to the Drawings

The Office Action objects to the drawings for failing to contain lead lines for numerals 44 and 46. Fig. 1 is amended accordingly. Thus, withdrawal of the objection is respectfully requested.

II. The Specification Satisfies Formal Requirements

The Office Action objects to the disclosure for containing informalities. The specification is amended to address the objection. No new matter is added. Thus, withdrawal of the objection is respectfully requested.

III. §112 Rejection

The Office Action rejects claims 1-8 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The rejection is respectfully traversed.

The Office Action alleges that the claims are indefinite because they are narrative in form and because it is allegedly unclear whether the claims are combination claims including a control system, a shovel, a boom, a boom cylinder and a shovel cylinder or are sub combination claims including only a control system. Without conceding propriety of the rejection, claim 1 is cancelled rendering the rejection of claim 1 and its dependent claims

based on indefiniteness moot. New independent claim 9, which incorporates the subject matter of claim 1, does not have the alleged issues of claim 1.

The Office Action also alleges that claims 7 and 8 are indefinite because claim 7 recites "the lower" and claim 8 recites "the pilot control device" which are alleged to lack clear antecedent basis. Applicants respectfully disagree. For example, claim 7 does not recite "the lower." In addition, claim 8 depends from claim 3, which in turn depends from claim 2. Claim 2 recites "a pilot control device." Because of its dependency from claims 2 and 3, claim 8 incorporates the subject matter recited in claim 2. Therefore, "the pilot control device" recited in claim 8 has adequate antecedent basis.

Accordingly, Applicants respectfully request withdrawal of the rejection.

IV. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-3 and 5-8 under 35 U.S.C. §102(b) over U.S. Patent No. 3,032,215 to French et al. (French); rejects claims 1, 2 and 6 under 35 U.S.C. §102(b) over U.S. Patent No. 3,371,557 to Seaberg et al. (Seaberg); and rejects claims 1 and 2 under 35 U.S.C. §102(b) over U.S. Patent No. 4,375,344 to Baum et al. (Baum). The rejection of claims 1 and 2 are rendered moot. The rejections of the remaining claims are respectfully traversed.

35 U.S.C. §102(b) Rejection over French

French fails to disclose each and every element of independent claim 9. For example, French fails to disclose "an orientation control device configured to receive a position of the shovel from the transmitting member and transmit a hydraulic or electric signal indicative of the shovel position to the shovel control unit, the orientation control device comprising: an actuation head... and a pilot control device configured to convert the positional change of the actuation head during the pivoting movement of the shovel into an electric or hydraulic

control signal... wherein the actuation head is a control lever of the pilot control device," as recited in claim 9.

The Office Action asserts that the bucket control valve 62 of French is equivalent to the recited control device, the spring-loaded linkage 124 of French is equivalent to the recited orientation device, and the connection between the spring-loaded linkage 124 and valve spool 90 is equivalent to the actuation head recited in original claim 1, which is currently recited in new claim 9. Applicants respectfully disagree with this assertion.

For example, bucket control valve 62 supplies and receives fluid to and from cylinder 34 to directly control the movement of bucket 18 (see French, Fig. 1 and col. 3, lines 32-45). This does not disclose generating a control signal indicative of the shovel position. In addition, if the connection between spring-loaded linkage 124 and spool 90 is to be considered an actuation head, it cannot be considered a control lever of a pilot control device because the connection is not a lever and French fails to disclose a pilot control device (see French Fig. 1). Therefore, French fails to disclose each and every feature of independent claim 9.

35 U.S.C. §102(b) Rejection over Seaberg

Seaberg fails to disclose each and every element of independent claim 9. For example, Seaberg fails to disclose the orientation control device recited in claim 9.

Seaberg discloses a bucket 22 in connection to a boom 18 via a parallelogram link 54, 50 (see Seaberg, col. 9, line 39- col. 10, line 34). The position of the bucket 22 relative to the boom 18 can be adjusted by a bucket cylinder 40 (see Seaberg, col. 9, line 39- col. 10, line 34). In addition, the swivel motion of the parallelogram link 50 is transmitted by a transfer member 228, 232 to a lever 226 (see Seaberg, col. 9, line 39- col. 10, line 34). The swivel motion of the parallelogram link 50 is then transmitted to a bucket valve 58 by transfer elements 224, 200 (see Seaberg, col. 9, line 39- col. 10, line 34).

However, Seaberg is silent regarding a pilot control device configured to convert the positional change of the actuation head during the pivoting movement of the shovel into a control signal. Furthermore, Seaberg discloses an automatic sensing means 122 for providing positional feedback to manual control means 120 (see Seaberg Fig. 1 and col. 5, lines 19-24). Automatic sensing means 122 comprises a series of rods, linkages, and shafts that transmit the movement of bucket 22 to manual control means 120 via mechanical movement instead of control signals (see Seaberg col. 5, line 55-col. 6, line 49). Thus, the mobile working machine of Seaberg does not explicitly or inherently include a pilot control device as recited in claim 9. Therefore, Seaberg fails to disclose each and every element recited in independent claim 9.

35 U.S.C. §102(b) Rejection over Baum

Baum fails to disclose each and every element of independent claim 9. For example, Baum fails to disclose the orientation control device recited in claim 9.

Baum discloses a device where the bucket movement is transmitted via a transfer element 70 showing tensile and bending stiffness to control cam 54 (see Baum, Figs. 1 and 2). The Office Action asserts that control valve spool 82 is an actuation head of spool control valve 56 and further asserts that spool control valve 56 is a control device as recited in original claim 1, which is currently recited in new claim 9. Applicants respectfully disagree with this assertion.

For example, control valve spool 82 is not a lever of a pilot control device (see Baum Fig. 2). In addition, Baum discloses that spool control valve 56 actuates transfer element 70 to move bucket 40 but fails to disclose that spool control valve 56 converts the movement of bucket 40 into pilot control signals (see Baum Figs. 1 and 2). Therefore, Baum fails to disclose each and every feature recited in independent claim 9.

Dependent claims 3-8 depend from claim 9. Therefore, dependent claims 3-8 are patentable for at least the same reasons as independent claim 9, as well as for the additional features these claims recite.

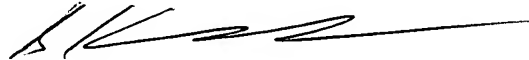
Accordingly, Applicants respectfully request withdrawal of the rejections.

V Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:BKK/mab

Attachment:
Petition for Extension of Time

Date: January 13, 2009

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